

### **REMARKS / ARGUMENTS**

By this Amendment, the claims of the present application have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Initially, the Applicant notes that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the *initial review* of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, Office personnel *should* state *all* reasons and bases for rejecting claims in the *first* Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

See Manual of Patent Examining Procedure (MPEP) § 2106(II). As such, the Applicant assumes, based on the goals of patent examination noted above, that the present Office Action has set forth "all reasons and bases" for rejecting the claims.

**REJECTION UNDER 35 U.S.C. § 102**

**Dynarski Does Not Anticipate Claims 1, 11, 21**

Claims 1 - 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Dynarski et al. US Patent Application No. 6,272,129 ("Dynarski"). The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

With regard to the anticipation rejections under 102(b), MPEP 2131 states that "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *See Manual of Patent Examining Procedure (MPEP) at 2131 (internal citation omitted)*. Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *See id. (internal citation omitted)*.

Dynarski discloses a "method [for] automatically locating and connecting a mobile wireless communications device to a packet-switched network such as the Internet," *see Dynarski at Abstract*.

**Rejection of Independent Claim 1 under 35 U.S.C. § 102(b)**

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(b), the Office Action states:

"Dynarski teaches a method and system (abstract) of setting up devices for communication on a network (col. 1, line 1 - col. 3, line 35) for transferring media (col. 4, lines 35-45; exchange of information or data as broadest reasonable interpretation. More specifically, the system locates the first device (Fig. 1, #14) for communication with the second device (Fig. 1, #10) via detecting the coupling (col. 4, line 45 - col. 5, line 3) and assigning a static or dynamic address (IP address) and serial number identifier (ESN or

Electronic Serial Number) and using a headend (home agent #22) to register (table) the association (col. 5, lines 3 - 62). Thus, in a request for communication from the second device, the system may communicate the information to the communication server and broadcast through the network such that the communication is initiated (col. 6, line 55 - col. 8, line 50)", *see Office Action pg. 2*.

However, the Applicant respectfully submits that nowhere in Dynarski (including the cited sections: col. 4 lines 35-45, col. 4 line 45 - col. 5 line 3, col. 5 lines 3 - 62, and col. 6 line 55 - col. 8 line 50) does Dynarski disclose or suggest at least the limitation of "assigning, by said headend, an address to a said first device coupled to said communication network; [and] transferring, by said headend, said assigned address to said first device" as recited by the Applicant in currently amended independent claim 1. In this regard, Dynarski at col. 3 lines 24 - 40 discloses:

"When the device receives the page, it then knows that a terminal on the IP network is trying to reach it. When the device responds to the page, a connection through the communications network and the packet-switched network is initiated. The connection will go through one of the other network access servers on the LAN (which could also be the network access server acting as the mobile node location server). The network access server receiving the incoming call from the wireless device notifies the mobile node location server that it has the call (e.g., by an ARP message) providing it with the IP address for the mobile node, and this information is placed in the mapping table maintained by the mobile node location server. The new IP address is forwarded to the home agent to enable the packet from the remote terminal to be routed to the network access server".

Thus, Dynarski teaches the "home agent" receiving the IP address of the "device" ("laptop computer 14") from the "mobile node location server" and does not teach the "home agent" assigning the IP address of the "device" ("laptop computer 14") and transferring the address to the "device". Accordingly, if the "home agent" of Dynarski is analogous to the "headend" of the instant Application, as is stated by the Examiner (but is not necessarily true for all embodiments of the present invention), then Dynarski certainly does not teach at least the limitation of

"assigning, by said headend, an address to a said first device coupled to said communication network; [and] transferring, by said headend, said assigned address to said first device" as recited by the Applicant in currently amended independent claim 1.

For at least these reasons, the Applicant respectfully submits that independent claim 1 is not anticipated by Dynarski and is allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claim 1.

**Rejection of independent claims 11, and 21 under 35 U.S.C. § 102(b).**

Claims 11 and 21 are similar in many respects to the method of claim 1. Accordingly, Applicant respectfully submits that claims 11 and 21 define patentable subject matter.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 11 and 21.

**Rejection of dependent Claims 2 – 10, 12 – 20, and 22 – 30 under 35 U.S.C. § 102(b)**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11, and 21 under 35 U.S.C. § 102(b) as being anticipated by Dynarski has been overcome and requests that the rejection be withdrawn. Claims 2 – 10, 12 – 20, and 22 – 30 depend from independent claims 11, 11, and 21, respectively, and are thus respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2 – 10, 12 – 20, and 22 – 30.

**CONCLUSION**

Based on at least the foregoing, the Applicant believes that claims 1 - 30 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Attorney at (312) 775-8033.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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